

Message Text

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ORIGIN NASA-02

INFO OCT-01 AF-08 ISO-00 OES-06 L-03 PM-04 NSC-05 SP-02

SS-15 CIAE-00 INR-07 NSAE-00 MC-02 ACDA-07 DODE-00

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DRAFTED BY NASA/I/BGGARNER/TN/CATAYLOR:SS

APPROVED BY AF:WESCHAUFEELE

NASA/TN/CATAYLOR (DRAFT)

NASA/G/HSKUPPERMAN

NASA/I/WGBASTEDO

NASA/I/AWFRUTKIN (SUBSTANCE)

NASA/I/SEDOYLE (DRAFT)

AF/E:R.CASTRODALE

OES/APT/SA:IMPIKUS

AF/E:RPOST L:FWILLIS

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FM SECSTATE WASHDC

TO AMEMBASSY TANANARIVE PRIORITY

C O N F I D E N T I A L STATE 277312

E.O. 11652:GDS

TAGS: TSPA

SUBJECT: NASA STATION

REF : (A) TANANARIVE 1622, (B) TANANARIVE 1627,

-- (C) TANANARIVE 1678, (D) TANANARIVE 1709,

-- (E) TANANARIVE 1710, (F) STATE 170083 - 7/18/75

-- (G) STATE 177561

1. NASA AND DEPARTMENT CONTINUE TO CONSIDER THAT USG HAS
NO REPEAT NO OBLIGATION FOR PAYMENT OF RENT EITHER FROM
1973 OR PREVIOUSLY. LEGALLY THERE IS NO CHANGE IN OUR
POSITION AS OUTLINED IN NOTE LAST DECEMBER. PRIMARY ISSUE
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FROM NASA POINT OF VIEW CONTINUES TO BE ACCESS TO AND USE

OF USG OWNED EQUIPMENT STILL HELD ILLEGALLY BY GDRM. NASA NOT WILLING TO BUY BACK THIS EQUIPMENT WHICH BY RIGHT THEIRS AND UNDER TERMS OF ONLY REPEAT ONLY SIGNED AGREEMENT IN 1963 SHOULD HAVE IMMEDIATELY TURNED OVER TO USG. NASA HAS MET ALL OF ITS OBLIGATIONS UNDER THAT AGREEMENT INCLUDING TERMINATION AND CLOSE OUT COSTS AND EXPECTS GDRM TO DO LIKEWISE.

2. WE ARE NOT, HOWEVER, UNAWARE OF FACT THAT NASA ISSUE IS TROUBLESOME POINT IN U.S./GDRM RELATIONS AND WOULD BE WILLING TO CONSIDER COSMETIC SOLUTION. UNDERLYING PRINCIPLE HOWEVER, IS THAT NO REPEAT NO MONEY DUE TO GDRM AND NONE WILL BE PAID FOR RELEASE OF OUR EQUIPMENT. AS GDRM ACKNOWLEDGES IT IS THE PRINCIPLE INVOLVED.

3. ALTHOUGH NASA DOES NOT ACKNOWLEDGE EITHER A LEGAL OR A MORAL OBLIGATION FOR RENT BEFORE OR AFTER 1973, NASA IS WILLING TO DISCUSS A SETTLEMENT OF THE ISSUE. IT MUST BE REALIZED, HOWEVER, THAT NASA HAS INCURRED UNUSUAL AND EXTRAORDINARY COSTS BECAUSE OF THE PRECIPITOUS AND UNWARRANTED ACTION BY THE GDRM IN CLOSURE OF THE STATION. THESE COSTS WERE ASSOCIATED WITH THE NECESSITY TO TERMINATE OPERATIONS AT THE STATION IN AN ABRUPT AND UNPLANNED MANNER, TO ACTIVATE ALTERNATE NETWORK SUPPORT OPERATIONS TO COMPENSATE FOR THE CLOSURE OF THE TANANARIVE STATION, AND AN ANTICIPATED EXTENSIVE AND EXPENSIVE REHABILITATION OF STATION EQUIPMENT REQUIRED BY THE LACK OF MAINTENANCE AND ENVIRONMENTAL CONTROL CAUSED BY THE CLOSURE OF THE STATION. THESE COSTS ARE ESTIMATED TO BE IN THE ORDER OF SEVERAL MILLION DOLLARS GREATER THAN THE AMOUNT WHICH NASA HAD BEEN WILLING TO PAY IN RENT (SEE PARA 5 BELOW). THUS, WE BELIEVE THAT THERE IS A GOOD CASE FOR ACTUALLY DEMANDING PAYMENT FROM THE GDRM.

FYI: THE UNUSUAL AND EXTRAORDINARY COSTS TO NASA INCLUDED TERMINATION COSTS TO STATION EMPLOYEES, COSTS OF PERSONAL EFFECTS OF EMPLOYEES WHO WERE UNABLE TO ARRANGE FOR DISPOSITION OR SHIPMENT ON SHORT NOTICE, PROCUREMENT OF ADDITIONAL EQUIPMENT FOR AND ADDITION OF STAFF AT OTHER TRACKING STATIONS TO ACCOMMODATE PARTIALLY THE TANANARIVE

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WORKLOAD, AND GREATLY INCREASED COSTS OF THE NASA TRACKING SHIP AND AIRCRAFT (BOTH VERY EXPENSIVE) TO PROVIDE SUPPORT IN THE INDIAN OCEAN. END FYI

4. NASA WOULD BE WILLING TO WAIVE SUCH PAYMENT IN ACKNOWLEDGEMENT BY GDRM OF THE SITUATION AND RELEASE OF SUCH EQUIPMENT AS NASA STILL DESIRES. THUS, THERE WOULD BE NO EXCHANGE OF FUNDS. NASA WOULD

STILL BE OUT OF POCKET FOR THE COSTS THEY HAVE INCURRED DUE TO GDRM ACTIONS BUT THE CASE COULD BE CLOSED.

5. ADDITIONAL COMMENTS: RE PARA 2 REF D, NASA INFORMAL AGREEMENT IN PRINCIPLE TO \$100,000 RENT FROM 1973 WAS QUID PRO QUO FOR GDRM ALLOWING UNINTERRUPTED CONTINUED OPERATION OF STATION AND THE GDRM IN FACT GAVE ITS INFORMAL AGREEMENT IN PRINCIPLE TO CONTINUED OPERATION.

WHILE NEITHER SIDE REDUCED THESE COMMITMENTS TO WRITING, IF THEY ARE TO STAND AT ALL, THEY MUST STAND EQUIVALENTLY AND RECIPROCALLY. THUS, NASA HAS NO REPEAT NO OBLIGATION TO PAY RENT IN ABSTRACT.

6. RE PARA 3 REF D, LIST OF EQUIPMENT NASA ORIGINALLY DESIRED TO WITHDRAW CONTAINED IN STATE 170083 (REF F). STATE 177561 (REF G) CONTAINED LIST OF ITEMS EQUIPMENT AND REAL PROPERTY NASA PREPARED TO LEAVE BEHIND IN EXCHANGE FOR REMOVAL OF THAT EQUIPMENT WHICH COULD BE USED BY NASA ELSEWHERE. NASA CONTINUES WILLING TO OFFER ITEMS AS LISTED REF G TO GDRM FOR RELEASE OF TECHNICAL EQUIPMENT, ALLOWING THE GDRM TO CLAIM A QUOTE COSMETIC UNQUOTE RENT FROM THE U.S.

7. ALL PROPERTY STILL CARRIED ON NASA BOOKS AT ACQUISITION VALUE.

8. REQUEST YOU INFORM SOLOFOSON THAT NASA WOULD BE WILLING TO REMOVE USABLE EQUIPMENT (ACQUISITION VALUE DOLS. 3.3 MIL.) AND TO LEAVE FOR GDRM USE CAPITAL FACILITIES AND EQUIPMENT OF TOTAL ACQUISITION VALUE DOLS. 15 MILLION. GDRM MAY PLACE WHATEVER INTERPRETATION ON THIS ACTION IT CHOOSES, BUT NASA DECLINES TO ADMIT OBLIGATION TO REPURCHASE.
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YOU SHOULD ALSO MENTION THAT WE HAVE STILL NOT RECEIVED ANY RESPONSE FROM THE GDRM TO OUR LAST TWO NOTES ON THIS SUBJECT. KISSINGER

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